III. REMARKS

Claims 1-28 are pending in this application. By this amendment, claims 1, 7, 12, 17 and 23 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-3, 6-7, 10-13, 15-19, 22-25 and 28 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Pulsipher *et al.* (U.S. Patent No. 5,948,055), hereafter "Pulsipher." Claims 4-5, 8-9, 14, 20-21 and 26-27 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pulsipher in view of Steele *et al.* (U.S. Patent No. 6,282,175), hereafter "Steele."

A. REJECTION OF CLAIMS 1-3, 6-7, 10-13, 15-19, 22-25 AND 28 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Pulsipher, Applicants assert that Pulsipher does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that Pulsipher fails to teach collecting device identification and detail information, wherein the detail information includes device characteristic information and software information. In the Response to Arguments section of the Office Action, the Office states that "...the limitation "detail information" is not specifically defined in the specification," and equates the detail information of the claimed invention with the inclusion in Pulsipher of "...whether an interface or device supports the

09/816,624   Page 10 of 16

SNMP protocol." Office Action, page 3, lines 5-6; page 4, para. 1. However, the indication of whether an interface or device supports the SNMP protocol of Pulsipher only indicates the ability of the device to use a certain protocol. To this extent, the indication of Pulsipher is neither a device characteristic (e.g., how much RAM a workstation currently has) nor a software characteristic (e.g., that workstation A has Microsoft Word™ and/or the software version), and is certainly not both. In contrast, the claimed invention includes "...collecting device identification and detail information...wherein the detail information includes device characteristic information and software information." Claim 1. As such, the detail information of the claimed invention is not merely an indication of whether an interface or device supports the SNMP protocol as in Pulsipher, but instead includes device characteristic information and software information. Thus, the collection of device identification and detail information as included in the claimed invention is not taught by the discovery of topology data in Pulsipher. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that Pulsipher fails to teach, *inter alia*, a collection system for collecting device identification and detail information from devices on the network by communicating with each device to retrieve the device identification and detail information. Instead, the passage of Pulsipher cited by the Office teaches "[t]he network monitor discovers and monitors network topology...the network monitor can also receive events from other devices, such as a router, in the network." Col. 7, lines 42-44, 47-49. To this extent the network monitor of Pulsipher is a monitor that monitors network topology as it is passed through the network. This monitoring may include receiving events from other devices. However, in equating the actions of Pulsipher with those of the

09/816,624   Page 11 of 16

claimed invention the Office seems to ignore the active component of the word "retrieve".

Specifically, in order to "retrieve" something, some action must occur on the part of the one

doing the retrieving. This is in contrast to the words monitor and receive in which the one doing

the monitoring and/or receiving passively waits for the desired thing. To this extent, the

monitoring and receiving of Pulsipher does not teach actively retrieving, such as by pinging,

information from a particular device. Furthermore, the receiving and monitoring of Pulsipher is

not triggered by the network monitor's communication with the device. Nowhere does Pulsipher

teach that its network monitor retrieves the device identification and detail information from each

device in response to a communication with the device. In contrast, the claimed invention

includes "...a collection system for collecting device identification and detail information from

devices on the network by communicating with each device to retrieve the device identification

and detail information." Claim 1. As such, the collection system of the claimed invention does

not simply monitor network topology as does the network monitor of Pulsipher, but instead

collects device identification and detail information from devices on the network by retrieving

the device identification and detail information from each device. Furthermore, the collection

system of the claimed invention collects the device identification and detail information by

communicating with each device. Thus, the collection system as included in the present

invention is not taught by the network monitor of Pulsipher. Accordingly, Applicants

respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 7, 17 and 23, Applicants respectfully submit

that Pulsipher also fails to teach collecting the device identification and detail information at

predetermined scheduled times. The passages of Pulsipher cited by the Office teach,

09/816,624   Page 12 of 16

Another advantage of the internet monitoring system is that it implements cooperating management and/or collection stations that can share data, thereby reducing redundant and unnecessary polling. Col 7, lines 36-39; and

When network topology changes on the network, the network monitor generates events, or traps (SNMP vernacular), which include an object identifier and object change information. The network monitor can also receive events from other devices, such as a router, in the network. Col. 7, lines 44-49.

To this extent, the Pulsipher network monitor is a continuously running monitor that issues events to the topology manager if it detects or is notified of a topology change and not a system that monitors system topology only at predetermined scheduled times. Col. 7, lines 41-57, specifically lines 54-57. Furthermore, the sharing of data to eliminate polling in Pulsipher indicates that the collection stations can share data (presumably that has already been collected) and does not specify that the actual collection of the data is performed at predetermined scheduled times. The claimed invention, in contrast, includes "...collecting the device identification and detail information at predetermined scheduled times." Claim 1. As such, in the claimed invention, the device identification and detail information is collected at predetermined scheduled times, not continuously monitored as in Pulsipher. Furthermore, the times as included in the claimed invention are not generated as a result of a topology change on the network as are the events in Pulsipher, but rather are at predetermined scheduled times. For the above reasons, the events of Pulsipher do not teach the collecting of device identification and detail information at predetermined scheduled times as included in the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features.

09/816,624   Page 13 of 16

Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

B. REJECTION OF CLAIMS 4-5, 8-9, 14, 20-21 AND 26-27 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Pulsipher in view of Steele, Applicants assert that there is no motivation or suggestion in the references themselves or elsewhere in the art for combining the references. Specifically, as argued above, Pulsipher teaches monitoring network topology and receiving events. However, the monitored computers of Steele have the information collected from them, not monitored as it is sent elsewhere. Furthermore, the operating system information is not the type of information that is sent in communications such as those monitored by Pulsipher. Accordingly, a combination of Pulsipher and Steele as proposed by the Office would not function in such a manner as to provide the Pulsipher network monitor with operating system information. Thus, the Office has failed to prove a prima facie case of obviousness. Accordingly, Applicants respectfully request that the Office withdraw the rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

09/816,624   Page 14 of 16

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

09/816,624   Page 15 of 16

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: November 14, 2005

Hunter E. Webb
Reg. No.: 54,593

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

09/816,624   Page 16 of 16